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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/954,807	09/12/2001	Irwin Jerold Singer	17037B	8210

23556 7590 10/03/2006

KIMBERLY-CLARK WORLDWIDE, INC.  
401 NORTH LAKE STREET  
NEENAH, WI 54956

EXAMINER

AUGHENBAUGH, WALTER

ART UNIT PAPER NUMBER

1772

DATE MAILED: 10/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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09/954807

Singer et al

EXAMINER

Aughenbaugh

ART UNIT

PAPER

1772

20060913

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

REQUIREMENT FOR INFORMATION

1. Applicant and the assignee of this application are required under 37 CFR 1.105 to provide the following information that the examiner has determined is reasonably necessary to the examination of this application.
2. The information is required to complete the background description in the disclosure by documenting information regarding the commercial product acknowledged in the background of the specification as required by the Board of Patent Appeals and Interferences (the Board) as explained below: the Board noted that "Appellants acknowledge in the background of the specification that they are aware of a commercial product which, on this record, appears to differ from the claimed protective material encompassed by the appealed claims in that the 'nonwoven fabric was not electret treated' (page 3, ll. 9-22 [of specification])." (last four lines of page 3 of Decision on Appeal and Opinion mailed May 23, 2006). The Board noted that the Board "[f]ound] no submission of information with respect to this acknowledged prior art on the record" (last line of page 3-first line of page 4, Decision on Appeal and Opinion mailed May 23, 2006). The Board has required that the examiner "require appellants to submit information under 37 CFR § 1.105(a)(1)(vii) (2005) with respect to the acknowledged commercial product" (lines 24-26 of page 4 of Decision on Appeal and Opinion mailed May 23, 2006). The Board has required that the examiner require this information so that the examiner can "determine whether such information provides sufficient evidence along with Midkiff and/or any other applicable prior art the examiner deems appropriate, on which to base a new ground of rejection of the appealed claims under 35 U.S.C. § 103(a)" (lines 26-29 of page 4 of Decision on Appeal and Opinion mailed May 23, 2006).
3. The applicant is reminded that the reply to this requirement must be made with candor and good faith under 37 CFR 1.56. Where the applicant does not have or cannot readily obtain an item of required information, a statement that the item is unknown or cannot be readily obtained may be accepted as a complete reply to the requirement for that item.
4. This requirement is subject to the provisions of 37 CFR 1.134, 1.135 and 1.136 and has a shortened statutory period of 2 months. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Walter B. Aughenbaugh

9/13/06

WBA

Marian C. Knode

MARIAN C. KNODE

DIRECTOR

TECHNOLOGY CENTER 1700